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Situation of human rights in the Democratic People's Republic of Korea

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 71/202 on the situation of human rights in the Democratic People's Republic of Korea. It provides an overview of human rights issues in the country from September 2016 to August 2017 and of the Government's engagement with the United Nations in that regard. Obtaining up-to-date and comprehensive information about human rights developments in the Democratic People's Republic of Korea remains a challenge owing to the lack of access to the country. However, the information that has been gathered reveals a continuing pattern of serious human rights violations, including with respect to the humanitarian situation. The report provides recommendations to the Government of the Democratic People's Republic of Korea and the international community to address these endemic issues and to improve the situation of human rights in the country.

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I. Introduction

1. The present report draws upon findings of the field-based structure of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Seoul and information from the United Nations special procedures of the Human Rights Council and various United Nations entities. Reference is also made to information from official State media in the Democratic People's Republic of Korea and international non-governmental organizations.

2. The report provides an update on human rights issues in the Democratic People's Republic of Korea since the report of the Secretary-General to the General Assembly at its seventy-first session (A/71/439). It focuses on the rights to life, liberty and security of the person, and to a fair trial; the right to freedom of movement; the right to freedom of expression and access to information; the issue of international abductions and separated families; the rights to food and health; and the rights of children, persons with disabilities and women. It remained difficult to obtain comprehensive and up-to-date information on these issues owing to the continued lack of access to the country and severe restrictions on seeking and receiving independent information. Nevertheless, while it has not been possible to verify information on individual cases, the information gathered points to persisting patterns of serious human rights violations. The report also provides an overview of the activities of the United Nations in relation to the human rights situation in the country and the Government's engagement with the United Nations in that regard.

3. The report contains recommendations addressed to the Government of the Democratic People's Republic of Korea and the international community and aimed at improving the human rights situation. It reiterates the Secretary-General's call for the Government's constructive engagement in that regard.

II. Overview of the situation of human rights in the Democratic People's Republic of Korea

A. Right to life, liberty and security of the person, and right to a fair trial

4. Continued reports of serious and widespread violations of the right to life, liberty and security of the person, and the right to a fair trial remain of concern.

5. Under article 166 of the Criminal Procedure Code of the Democratic People's Republic of Korea of 2012, torture is prohibited. However, information gathered by OHCHR during the period under review indicated that torture and ill-treatment were routine in detention facilities, including in pretrial detention facilities (kuryujang) and holding centres (jipkyulso). Detainees were reportedly subject to practices that clearly contravene international human rights standards, including being beaten and forced to kneel and remain still for an extended period. There were also consistent reports that conditions in detention fell short of international standards, with inadequate access to food, water and sanitation, and lack of access to family members. There were reports of deaths in custody, including as a result of beatings, untreated illnesses and malnutrition.

6. Detention facilities do not cater to the needs of female detainees, who are reportedly interrogated and supervised almost exclusively by male officers. OHCHR was informed by several victims and witnesses of sexual abuse by guards in pretrial detention facilities, as well as harassment and lack of privacy when using toilets and showers. In ordinary prison camps and labour training camps (rodongdanryondae),

witnesses stated that some female detainees engaged in transactional sex with supervisors to get better food rations or to be assigned to less demanding jobs. Women in pretrial detention facilities were reportedly not provided with sanitary pads. Many women detained for longer periods in ordinary prisons (kyohwaso) and political prison camps (kwanliso), reportedly stopped having their periods owing to malnutrition.

7. According to witnesses, a domestic provision establishing the suspension of implementation of the sentence for pregnant women from three months before child birth to seven months after delivery appeared to be widely known and complied with. However, there were also reports of pregnant women being beaten during pretrial detention.[1]

8. The right to a fair and independent trial was not guaranteed. Suspects were rarely allowed to present evidence contesting charges against them in a meaningful manner and in most cases did not have access to lawyers. The local branch of the Workers Party of Korea reportedly had significant influence in making a decision about a person's guilt or innocence and on the type of punishment imposed, with the role of independent judicial actors being limited.

9. Extreme concern remains about the continued existence of large political prison camps, where conditions were reported to be extremely poor, with insufficient food and detainees being subjected to hard labour and substandard conditions. Lack of access to the camps by independent human rights monitors, combined with the Government's continued denial of their existence, meant that it was not possible to assess whether any change had occurred during the reporting period.

10. The Secretary-General is concerned about the consistent reports of torture and ill-treatment and poor conditions in detention in the Democratic People's Republic of Korea. He is also gravely concerned about the existence of large-scale political prison camps and urges the authorities to cooperate with the United Nations to address these issues with a view to ensuring compliance with international human rights standards.

11. International media reports of purges of members of the political elite during the reporting period could not be confirmed. In mid-January 2017, the Minister of State Security was reportedly dismissed and allegedly underwent re-education before reappearing in a different function in April 2017. Media in the Republic of Korea reported on the execution of five officials of the Ministry of State Security around the time of the dismissal of the Minister of State Security.

12. On 13 February 2017, Kim Jong-nam, the older half-brother of Kim Jong-un, was killed in Malaysia. A Malaysian police investigation found that he had been poisoned by the chemical agent VX. The Democratic People's Republic of Korea denied involvement in the killing. An Indonesian woman and a Vietnamese woman have been charged with the murder by the Malaysian authorities and face a possible death sentence. Four nationals of the Democratic People's Republic of Korea suspected of involvement in the murder reportedly left Malaysia for the Democratic People's Republic of Korea immediately after the attack, and three others, including a diplomat, left Malaysia on 31 March (see para. 20).

13. On 12 June 2017, an American citizen, Otto Frederick Warmbier, 22 years of age, was released from detention by the Democratic People's Republic of Korea in a

[1] This provision reportedly applies to women who became pregnant in the Democratic People's Republic of Korea. For a discussion of the treatment of pregnant women who have been returned from China, see paragraph 48.

comatose state. He was medically evacuated to the United States of America, where he died on 19 June. The Government of the Democratic People's Republic of Korea stated that Mr. Warmbier had fallen into a coma after contracting botulism and being given a sleeping pill and denied ill-treatment towards him. Doctors in the United States stated that he had suffered severe brain damage and that they had not found traces of botulism. Mr. Warmbier, who had been sentenced to 15 years' imprisonment in March 2016 for reportedly removing a poster from the hotel where he had been staying, had reportedly been in a comatose state since April 2016. The Government of the Democratic People's Republic of Korea had not provided information about his condition to diplomatic representatives, who had been denied access to him. A Canadian citizen, Lim Hyeon Soo, sentenced to life imprisonment in 2015, was released on humanitarian grounds on 9 August 2017.

14. During the reporting period, two American citizens, Kim Sang-duk and Kim Hak-song, were arrested in the Democratic People's Republic of Korea. They were detained on 21 April and 7 May 2017, respectively, and accused of committing "hostile acts". Both men had been teaching at Pyongyang University of Science and Technology. Another American citizen, Kim Dong-chul, sentenced to 10 years' imprisonment in 2016, remained in prison. Two citizens of the Republic of Korea, Kim Kuk-gi and Choi Chun-gil, who had been sentenced to an indefinite period of labour in 2015, and another, Kim Jeong-wook, who had been sentenced to life imprisonment in 2014, also remained in prison.

15. The Secretary-General urges the Government of the Democratic People's Republic of Korea to guarantee that diplomatic representatives are provided regular access to their citizens held in the country. He strongly urges the Government to clarify the circumstances surrounding the death of Mr. Warmbier and the reasons for withholding information regarding his medical condition. He also urges the Government to review the cases of foreign citizens held in the country with a view to securing their release if they are found to have been imprisoned for the peaceful exercise of their rights, or on humanitarian grounds.

B. Right to freedom of movement

16. The Government of the Democratic People's Republic of Korea continued to impose strict restrictions on freedom of movement for both internal and external travel. Citizens are required to obtain permission to travel within the country. Some areas, including districts bordering Pyongyang and districts bordering China, are subject to stricter limitations on travel. Witnesses stated that residents of Pyongyang continued to fear deportation to remote areas where conditions are poor as a form of punishment for lack of loyalty to the Government.

17. In 2016, 1,418 citizens of the Democratic People's Republic of Korea, 79 per cent of whom were women, arrived in the Republic of Korea. There were consistent reports that the Government of the Democratic People's Republic of Korea increased its efforts to prevent people from leaving the country, including through the construction of physical barriers at the border and the regular rotation of border guards along the border with China. Most of those crossing the border relied on "brokers", many of whom engaged in trafficking. Women who crossed the border continued to be at risk of forced marriage, rape and other forms of sexual abuse. Individuals who had irregularly crossed the border were at risk of being forcibly returned. Given that crossing the border is considered a criminal offence, individuals who had been returned to the Democratic People's Republic of Korea reportedly faced human rights violations, including torture, sexual harassment and other forms of ill-treatment in detention (see para. 48).

18. The authorities of the Democratic People's Republic of Korea continued the practice of sending people to work overseas, mainly to China and the Russian Federation. Those individuals were reportedly forced to hand over their passports and faced restrictions on their freedom of movement and access to information while abroad. It was reported that their possessions would be frequently checked by managers from the Democratic People's Republic of Korea, and that they were required to participate in ideological training sessions. Living conditions were said to be poor and salaries low. Despite those conditions, the opportunity to work abroad was reportedly highly sought after owing to higher salaries than in the Democratic People's Republic of Korea and because it presented an opportunity to experience life outside the country.

19. Restrictions on freedom of movement within the country continued to be imposed on foreign nationals, including United Nations personnel, who were still required to obtain permission from the authorities for travel outside the capital. For humanitarian monitoring visits, obtaining permission would usually take one week and, when granted, there would be no flexibility to deviate from the planned itinerary. International staff members of the United Nations agencies were still required to be accompanied by a seconded local staff member. Access to some counties in the northern provinces of Jagang and Ryanggang remained limited.

20. In March 2017, the Government of the Democratic People's Republic of Korea temporarily banned the exit of Malaysian citizens following the killing in Malaysia of Kim Jong-nam. Malaysia responded with a travel ban on citizens of the Democratic People's Republic of Korea. Following clarification from the Government, United Nations personnel of Malaysian nationality were not prevented from leaving the country. On 30 March, the authorities of the Democratic People's Republic of Korea and Malaysia issued a joint statement clarifying that Malaysia had agreed to facilitate the transfer of the body of Kim Jong-nam to the Democratic People's Republic of Korea and to lift the travel bans it had imposed.

C. Rights to freedom of expression, access to information and freedom of association

21. Severe restrictions continued to be imposed on the rights to freedom of expression, association and peaceful assembly. The system of surveillance extends from the national level to the neighbourhood level. Those who criticize the regime, or are perceived or suspected of doing so, risk severe punishment, including internment at a political prison camp or exile to remote areas of the country where conditions of life are difficult.

22. The Government continued to impose strict controls on access to information, including through the control of mass media and access to foreign media and other materials from abroad. Those who were found to be accessing materials that had not been sanctioned by the Government were at risk of arrest. In some areas, there were reports that a high proportion of the population of the Democratic People's Republic of Korea watch foreign films, and some people living in the border areas are able to access radio signals from neighbouring countries. Since 2015, the authorities have reportedly increased their efforts to prevent access to information not sanctioned by them. However, there were also reports that, in some areas, those who were caught accessing information deemed illegal were, in some cases, able to avoid prosecution by bribing officials.

23. Citizens of the Democratic People's Republic of Korea are required to belong to different associations throughout their lives, such as the Kimilsungist-Kimjongilist Youth League, the Democratic Women's Union, the General Federation

of Trade Unions and other associations. These organizations are closely linked to the Workers Party of Korea and do not serve as independent forums for the discussion or expression of alternative views. They are reportedly used for purposes of social control and mass mobilization.

24. International human rights instruments and other materials related to human rights were reportedly barely available in the country, but the Government accepted a recommendation made by the Human Rights Council as during the universal periodic review to disseminate international standards and to provide human rights education to public officials. In 2017, the visit of the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities received wide national media coverage.

25. The Secretary-General urges the Democratic People's Republic of Korea to take steps to increase the right to access a wide range of information and to enable the free and peaceful expression of views and the formation of and participation in independent associations. He also encourages the Government, in line with its commitments under the universal periodic review, to facilitate the dissemination of human rights information and education, with the support of the United Nations.

D. International abductions and separated families

26. In the context of continuing tensions between the Republic of Korea and the Democratic People's Republic of Korea, no reunion of individuals who had been separated from their relatives on the other side of the border took place during the reporting period. The last such reunion took place in October 2015. Since the Korean War, 131,143 individuals in the Republic of Korea have registered for reunion with their relatives in the Democratic People's Republic of Korea. As of December 2016, 62,631 of them were still alive and seeking reunion with their relatives. Since reunion events started in 2000, 2,325 families have been able to meet their missing relatives at least once. More than half of those registered have passed away, and 59.5 per cent of those on the list are above the age of 80.[2]

27. While many of those separated during the war were separated as a result of displacement, an undetermined number of individuals were abducted from the South to the North. Lists of missing persons compiled by the Republic of Korea and the national Red Cross Society of the Republic of Korea in the 1950s did not distinguish between cases of alleged abduction, displaced individuals and people who had voluntarily relocated to the Democratic People's Republic of Korea during the war. Owing to the difficulty of obtaining information given the passage of time and other factors, a definitive list of wartime abductees has not been developed. The Korean War Abductees' Family Union estimates that there were between 82,000 and 100,000 victims.

28. No progress was achieved in establishing the fate and whereabouts of 516 individuals from the Republic of Korea who the Government of the Republic of Korea alleges were abducted by the Democratic People's Republic of Korea after the Korean War.

29. The Working Group on Enforced or Involuntary Disappearances held its 111th session in the Republic of Korea from 6 to 10 February 2017. From May 2016 to May 2017, it transmitted 73 cases to the authorities of the Democratic People's Republic of Korea. The replies received from the Government of the Democratic People's Republic of Korea were considered insufficient to lead to the clarification

[2] See Korea Ministry of Unification, "White paper on Korean unification 2017", May 2017.

of the cases. The total number of outstanding cases that have been transmitted by the Working Group to the Government stands at 167.

30. Progress also remained stalled on resolving the investigation into the fate of Japanese nationals in the Democratic People's Republic of Korea, including abductees, as well as abductees from other countries. Twelve Japanese citizens abducted in the 1970s and 1980s are still missing. In March 2017, a representative of OHCHR met with the brothers of Megumi Yokota, who was abducted in 1977 at the age of 13 from Niigata prefecture, and with a relative of Anocha Panjoy, a Thai national who was reportedly abducted by the authorities of the Democratic People's Republic of Korea in Macau in 1978. The authorities stated that Ms. Yokota had passed away and denied abducting Ms. Panjoy and that she had ever been in the Democratic People's Republic of Korea.

31. The Secretary-General urges all stakeholders to take all steps necessary to resolve the issue of family separation, promote accountability for cases of enforced disappearance and ensure that mechanisms are in place for relatives in the two countries to remain in touch and reunite. The Secretary-General calls upon the Government of the Democratic People's Republic of Korea to clarify the fate of individuals abducted from Japan and other countries.

E. Right to food

32. The Democratic People's Republic of Korea continued to be affected by chronic food insecurity exacerbated by natural disasters. In 2016, the country's global hunger index was 28.6 was, which was classified as "serious", with 41 per cent of the population identified as undernourished.[3]

33. The most vulnerable groups, including children, pregnant and nursing women and older persons, remained the most affected by malnutrition. A World Food Programme (WFP) security and nutrition assessment of children in nurseries supported by WFP conducted in 2015, showed a 25.4 per cent prevalence of stunting to a moderate or high degree.[4] Nearly a third of children below the age of 5 suffered from stunting, while around 200,000 were reportedly moderately or severely malnourished.[5] In 2016, 80,000 children under the age of 5 were treated for malnutrition. This number represents a significant increase from 2014, when 26,407 children below the age of 5 were treated for malnutrition. The increase in the number of malnourished children treated does not necessarily reflect a deterioration in the nutrition situation of children under the age of 5, but rather an increase in access to screening and the updating of treatment services through support from the United Nations Children's Fund (UNICEF) to expand service delivery nationwide. UNICEF was working with the Central Bureau of Statistics of the Democratic People's Republic of Korea to undertake a multi-indicator cluster survey, which would provide a better understanding of the nutritional situation in the country.[6]

34. Although humanitarian assistance was not restricted under the sanctions imposed on the Democratic People's Republic of Korea, humanitarian agencies observed that the sanctions, combined with donor fatigue, reduced the resources

[3] Klaus von Grebmer and others, *2016 Global Hunger Index: Getting to Zero Hunger* (Bonn, Welthungerhilfe; Dublin, Concern Worldwide; Washington, D.C., International Food Policy Research Institute, 2016). Available from www.ifpri.org/topic/global-hunger-index.

[4] World Food Programme (WFP), "DPR Korea country brief", March 2017.

[5] United Nations Children's Fund (UNICEF), "Delivering for children in DPR Korea", 19 May 2017. Available from https://blogs.unicef.org/east-asia-pacific/delivering-for-children-in-dpr-korea/.

[6] The results of the survey will be published in 2018.

available for humanitarian aid.[7] WFP reported that, since February 2017, owing to a shortage of funding, it had reduced its rations for children and pregnant and lactating women to two thirds of the standard ration, which was the minimum required for a nutritional impact.[8]

35. In 2016, the Government suspended the joint crop and food security assessment missions of the Food and Agriculture Organization of the United Nations and WFP for a third consecutive year and decided to conduct its own assessment. In 2016, the Democratic People's Republic of Korea harvested 5.891 million tons of food crops, which exceeded the amount produced in 2015 by 14.6 per cent and was the highest since 2012. Nevertheless, given the food stocks available domestically and the Government's importation plans, the country continued to face an uncovered food deficit of 395,892 tons, which was the amount needed to meet the Government's target for the ration size to be distributed under the public distribution system.

36. Some 18 million people, or 70 per cent of the population, reportedly depend on the public distribution system for regular food rations. According to government data, rations increased to 380 grams of cereals per person per day in October and November 2016 and, since December 2016, have been set at 400 grams. Rations are consistently lower than the Government's average target of 573 grams per person per day. In some areas, the public distribution system is reportedly no longer functioning and people rely entirely on their own sources of income. There is grave concern about food shortages in detention facilities to which humanitarian actors have no access.

37. At the end of August 2016, the remnants of Typhoon Lionrock hit North Hamgyong Province, unleashing strong winds and heavy rains. The Tumen River burst its banks and its tributaries inundated floodplains, submerging agricultural land and damaging water systems, schools and health facilities. Homes were also damaged or destroyed, resulting in the displacement of over 70,000 people. A total of 27,411 hectares of standing crops, mostly rice and maize, were damaged, which constituted 1.9 per cent of total farm crop area in 2016. The Central Emergency Response Fund released $5,054,519 for rapid response in relation to agriculture, food security, health, nutrition, water, sanitation and hygiene. Prison camp (kyohwaso) number 12, in Jongo-ri, North Hamgyong Province, which reportedly housed up to 5,000 prisoners, was not included in the assessment. Satellite images indicate that the prison camp was affected, including by the destruction of nearby crop land and pollution stemming from the overflow of runoff from a nearby copper mill. This may have exacerbated the already severe food situation in the prison camp.[9]

F. Right to health

38. Quality and availability of health-care services remained limited and the lack of services and poor quality were more pronounced in rural areas. Despite the commitment pursuant to article 56 of the Constitution of the Democratic People's Republic of Korea to provide free health care for all people in the country, patients

[7] UNICEF, "Situation analysis of children and women in the Democratic People's Republic of Korea — 2017". Available from www.unicef.org/dprk/Situation_Analysis_of_Children_and_Women_in_DPR_Korea_UNICEF_2017.pdf.

[8] WFP, "DPR Korea country brief", June 2017.

[9] Joseph S. Bermudez Jr. and Greg Scarlatoiu, "North Korea, flooding at Kyo-hwa-so No. 12, Jongo-ri" (Committee for Human Rights in North Korea, 16 September 2016). Available from www.hrnk.org/uploads/pdfs/Kyo-hwa-so%20No_%2012%20Flooding.pdf.

were in many cases required to purchase basic medicine on the private market. Diarrhoea and pneumonia were the two main causes of death of children below the age of 5 and could be linked to lack of access to safe water, sanitation and hygiene facilities.[9] In 2016, with regard to the universal periodic review recommendation to implement a reproductive health strategy to reduce maternal and newborn mortality, the Ministry of Public Health developed an "every newborn" action plan with technical and financial support from the World Health Organization.

G. Rights of the child

39. The Government of the Democratic People's Republic of Korea continued its engagement with the Committee on the Rights of the Child, to which it submitted its combined fifth and sixth periodic report in 2016. On 15 June 2017, it submitted written replies to the list of issues of the Committee in relation to that report (CRC/C/PRK/Q/5/Add.1). According to UNICEF, literacy rates were close to 100 per cent, with over 75 per cent of the population having completed secondary school. UNICEF found that a lack of quality and learning assessment improvement owing to a lack of resources was a main challenge. In addition, there were significant social and gender disparities in accessing tertiary education, with only 1.9 per cent of females from rural areas over the age of 19 engaged in education.[9]

40. Information received by OHCHR indicated that children in remote areas were not always able to access education, including as a result of having to work to support their families and owing to the lack of functioning schools. The Korea Institute for National Unification reported that a high proportion of hours at school were devoted to ideological training, in particular studying the current and former leaders of the Democratic People's Republic of Korea.[10] Information also showed that, in some schools, children were required to dedicate a significant part of the day to manual labour. In its replies to the Committee on the Rights of the Child, the Government stated that it aimed to remove the distinction between secondary schools in urban and rural areas and to prevent the forced mobilization of school children, including through new legislation such as the Law on the Implementation of Teaching Programmes, adopted in 2016, and through a directive issued in April 2016 requiring local actors to supervise the implementation of educational programmes (see CRC/C/PRK/Q/5/Add.1).

41. There is limited information available on how the situation of juveniles in conflict with the law is addressed in the country. In its replies to the Committee on the Rights of the Child, the Government noted that there were very few such cases and that they had been dealt with through educational measures. There is continued concern about reports of children who detained in political prison camps with their families. The Government continued to deny the existence of such camps, and the fates of the children reportedly held in such camps and their families is not known.

H. Rights of persons with disabilities

42. The Government of the Democratic People's Republic of Korea reported having taken steps towards improving the human rights of persons with disabilities. These included the ratification, on 6 December 2016, of the Convention on the Rights of Persons with Disabilities, in line with recommendations it had accepted as

[10] Kyung-ok Do and others, "Human rights situation of women and children in North Korea" (Korea Institute of National Unification, November 2016). Available from www.kinu.or.kr/www/jsp/eng/report_view.jsp?menuIdx=646&category=&thisPage=1&searchField=&searchText=&contId=1478086.

part of the universal periodic review. Moreover, on 19 February 2016, the Government ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

43. From 2 to 8 May 2017, the Special Rapporteur on the rights of persons with disabilities conducted a visit to the Democratic People's Republic of Korea at the invitation of the Government. She visited Pyongyang and Pongchon, where she met with Government officials, the Korean Federation for the Protection of the Disabled, the United Nations country team, international cooperation actors, the diplomatic community, associations of persons with disabilities and persons with disabilities. The Special Rapporteur welcomed steps taken by the Government, such as the adoption of general and specific legislation protecting the rights of persons with disabilities and in the area of access to information and communication for deaf persons.[11]

44. At the same time, the Special Rapporteur observed some challenges, notably the prevalence of the medical model of disability, the general stigmatization of persons with disabilities and segregated education for deaf and blind learners. She also identified the need to expand coverage of benefits and services to include all persons with disabilities, including little persons and people with intellectual, developmental, psychosocial, multiple and severe disabilities. She also noted that the majority of the infrastructure was not accessible to persons with physical disabilities, including new public buildings. Upon the request of the Government, the Special Rapporteur agreed to provide technical assistance in the areas of accessibility and international standards in universal design.

45. The Democratic People's Republic of Korea has three recognized special primary schools for the blind and eight for the deaf, but according to UNICEF, out of 15,431 children identified with sensory impairment in the 5-to-18-year age group, only 1,232 (8 per cent) were enrolled in specialized schools.[7] Moreover, UNICEF noted that there were no preschools and no support for higher education for those groups. No information was available on education for children with severe physical disabilities or those with intellectual or psychosocial disabilities.

46. The Secretary-General welcomes the ratification of the Convention on the Rights of Persons with Disabilities, the visit of the Special Rapporteur on the rights of persons with disabilities and the constructive dialogue that ensued. He urges the authorities to take concrete steps to develop a strategic action plan on disability and to continue to engage with the Special Rapporteur and other United Nations human rights mechanisms.

I. Rights of women

47. The Law on the Protection of the Rights of Women (2010) envisages the domestication of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. The law prohibits all forms of discrimination against women and provides that there must be no form of violence against women in the family. However, information gathered by OHCHR indicated that awareness about the adoption of the law was very limited. Strong patriarchal patterns reportedly continued to contribute to persistent discrimination against women in many areas, including access to higher education, employment and participation in

[11] See the end of mission statement delivered on 8 May 2017 by the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas-Aguilar, on her visit to the Democratic People's Republic of Korea. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21610&LangID=E.

public life. Domestic violence against women and girls was reportedly viewed as a private affair and was not adequately addressed by the authorities.[12] Information gathered by OHCHR indicated that there were reports of cases of women serving in the army being subjected to discrimination and sexual abuse.

48. There were numerous reports of women and girls being trafficked across the border between China and the Democratic People's Republic of Korea and within China. Women and girls were in many cases trafficked into China to be sold to Chinese men or exploited in other ways. They were exposed to the risk of forcible return to the Democratic People's Republic of Korea. Information gathered by OHCHR indicates that those who are returned are detained in conditions that fall below international standards and that they risk torture and ill-treatment. Upon repatriation, women were reportedly frequently subjected to invasive body searches, ordered to repeatedly squat and stand up or bend forward while exposed, and some were reportedly subjected to vaginal searches in unsanitary conditions. The searches were reportedly carried out to confiscate Chinese currency and to look for signs of previous pregnancies and/or sexually transmitted diseases. Those searches were reportedly carried out in many cases by female administrative personnel at security agencies, but cases of searches conducted by men or in the presence of male officers were also reported. Women who became pregnant while in China reportedly remained at risk of being subjected to forced abortion while in detention in the Democratic People's Republic of Korea. As for women who had given birth in China, they reportedly would often be separated from their children, who remained in China when their mothers were repatriated.

III. Cooperation between the United Nations and the Government concerning the human rights situation in the Democratic People's Republic of Korea

49. The Government of the Democratic People's Republic of Korea took steps to engage with the international human rights system during the reporting period. However, it continued to refuse to engage with the OHCHR office in Seoul and with the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea.

A. Cooperation with United Nations intergovernmental bodies

50. In its resolution 2321 (2016), the Security Council condemned in the strongest terms the nuclear test conducted by the Democratic People's Republic of Korea on 9 September. The Council condemned the Government for pursuing nuclear weapons and ballistic missiles instead of the welfare of its people and emphasized the need for the Government to respect and ensure the welfare and inherent dignity of people in the Democratic People's Republic of Korea.

51. On 9 December 2016, the Security Council met to discuss the situation of human rights in the Democratic People's Republic of Korea for the third time since December 2014. The Deputy Secretary-General and the Assistant Secretary-General for Human Rights briefed the Security Council on that occasion. The Government of the Democratic People's Republic of Korea issued a statement and held a press

[12] Kyung-ok Do and others, "Human rights situation of women and children in North Korea"; and Human Rights Watch, "Submission to the Committee on the Elimination of Discrimination against Women", 25 January 2017. Available from https://www.hrw.org/news/2017/04/13/human-rights-watch-submission-committee-elimination-discrimination-against-women.

briefing at which it strongly denounced the convocation of that meeting by the Security Council.

52. The General Assembly, by resolution 71/202 on the situation of human rights in the Democratic People's Republic of Korea, welcomed the establishment of the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea, as set out by the Human Rights Council in its resolution 31/18. In its resolution 71/202, as in other resolutions it has adopted since 2014, the Assembly encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry on human rights in the Democratic People's Republic of Korea and to take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity.

53. On 13 March 2017, during the interactive dialogue at the Human Rights Council with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, the group of independent experts presented its findings (see A/HRC/34/66/Add.1). They stressed that the approach to pursuing accountability for human rights violations in the Democratic People's Republic of Korea must be human rights-based, multi-pronged and comprehensive and in line with international norms and standards. The group called upon the international community to continue to seek accountability for crimes against humanity through the International Criminal Court and to consider the scope for establishment of an ad hoc international tribunal for the Democratic People's Republic of Korea. The group highlighted that the investigation and prosecution of international crimes were indispensable, as were measures to ensure the right of victims and societies to know the truth about violations, the right of victims to reparations, and guarantees of non-recurrence of violations. The group also underscored the criticality of engaging with victims and affected communities in accountability processes, including the preparatory stages. It further recommended that stakeholders firmly integrate human rights and accountability into any political process for the Korean peninsula, acknowledging that peace and justice are mutually reinforcing imperatives.

54. The group of independent experts called upon the Human Rights Council to strengthen OHCHR to increase its contribution towards accountability for human rights violations in the Democratic People's Republic of Korea, including by simultaneously strengthening current monitoring and documentation efforts in line with international norms and standards and supporting an assessment by international criminal justice experts of available information and evidence to identify gaps and develop possible investigation and prosecution strategies as well as blueprints of suitable international or internationally assisted court models.

55. In its resolution 34/24 on the situation of human rights in the Democratic People's Republic of Korea of 24 March 2017, the Human Rights Council welcomed the reports of the group of independent experts, and decided to strengthen for a period of two years the capacity of OHCHR, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group in its report aimed at strengthening monitoring and documentation efforts, establishing a central information and evidence repository, and having experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process. The High Commissioner for Human Rights was requested to provide an oral update on

progress in that regard to the Council at its thirty-seventh session, in March 2018, with a view to submitting a full report to the Council at its fortieth session, in March 2019. OHCHR is currently taking steps to implement the recommendations of the group of independent experts.

B. Office of the United Nations High Commissioner for Human Rights

56. In accordance with its mandate pursuant to Human Rights Council resolution 25/25, the OHCHR office in Seoul continued to conduct monitoring, documentation and capacity-building and outreach activities. It engaged with Governments, civil society actors, individuals who had left the Democratic People's Republic of Korea, United Nations entities and humanitarian workers operating in the Democratic People's Republic of Korea and other stakeholders.

57. During the reporting period, the OHCHR office in Seoul continued to gather individual testimonies to corroborate information on allegations of human rights violations that it had previously recorded. As of August 2017, it had interviewed more than 200 individuals who had left the Democratic People's Republic of Korea. The office conducted two missions to Japan, where it met representatives of the Government and civil society.

58. On 7 December 2016, OHCHR published a thematic report entitled "Torn apart: the human rights dimension of the involuntary separation of Korean families". In the report, OHCHR raised awareness about the multiple human rights challenges facing individuals separated by displacement during the Korean War, those separated following the war as a result of abduction, and those separated from their families as a consequence of leaving the Democratic People's Republic of Korea. It recommended that the relevant Governments take steps to allow separated relatives to reunite, regardless of the political situation. During the report launch event, relatives of victims described their efforts to be reunited with their loved ones. The OHCHR office in Seoul has also supported victims and families of victims in engaging with special procedures of the Human Rights Council and supported civil society actors in submitting information to relevant treaty bodies.

59. On 27 June 2017, the National Human Rights Commission of Korea and the OHCHR office in Seoul co-hosted a seminar focusing on engagement with the Committee on the Elimination of Discrimination against Women. On 25 and 26 July, the civil society organization Transitional Justice Working Group, in partnership with the office in Seoul, organized an international seminar on the theme "Amassing evidence: applying information technology and forensic science in human rights documentation", in which international experts participated.

C. United Nations human rights mechanisms

60. As previously noted, in 2016, the Government ratified the Convention on the Rights of Persons with Disabilities and, in May 2017, it hosted the Special Rapporteur on the rights of persons with disabilities. That was the first visit of a special procedures mandate holder to the Democratic People's Republic of Korea since 1995 (see para. 43).

61. Its combined fifth and sixth periodic reports to the Committee on the Rights of the Child, and its combined second, third and fourth reports to the Committee on the Elimination of Discrimination against Women, which were submitted in 2016, are scheduled to be considered in September and October 2017, respectively.

62. During the reporting period, the Government continued to deny access to the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

63. The Government of the Democratic People's Republic of Korea has accepted 194 of the recommendations received during its first and second universal periodic reviews, in 2010 and 2014, respectively. In the strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017-2021, the United Nations stated its commitment to providing support to the Government in meeting its global commitments to, and periodic reporting on, international human rights commitments under conventions and other agreements and mechanisms. In addition, the United Nations country team would offer support in enabling the Government of the Democratic People's Republic of Korea to fulfil its commitments to implement recommendations and reporting with respect to the universal periodic review.[13]

64. The Secretary-General welcomes the ratification of the Convention on the Rights of Persons with Disabilities and the visit of the Special Rapporteur on the rights of persons with disabilities. He encourages the Government to consider ratifying core human rights treaties that it has not yet ratified and extending invitations to other mandate holders, in particular the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

D. United Nations entities operating in the Democratic People's Republic of Korea

65. Launched in January 2017,the strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017-2021, entitled "Towards Sustainable and Resilient Human Development", affirms the role of the United Nations country team in supporting the Government's commitments to the Sustainable Development Goals and other internationally agreed norms and standards. It also provides for United Nations support in enabling the Government to fulfil its commitments to implement recommendations and reporting with respect to the universal periodic review and in meeting its international human rights commitments.

66. In February 2017, the United Nations country team and relevant line ministries and departments held a workshop in Pyongyang on the strategic framework to develop a shared understanding of the objectives and agree on the next steps and milestones for the implementation of the framework.

67. Positive engagement of the United Nations country team with the State Committee on Emergency and Disaster Management continued. Following flooding in North Hamgyong Province in late August 2016, representatives of the Government and the humanitarian country team carried out two joint missions to the affected areas to assess the needs and review the humanitarian response. While the overall travel plan was submitted in advance in accordance with standard regulations in the country, humanitarian partners were able to make suggestions and request visits to additional sites. Timely and relevant data was essential for effective programming. While the Government provided regular updates on reconstruction efforts, information mostly focused on infrastructure and was insufficient. Continued discussions will be critical to ensuring better access to data by the United Nations and to develop baselines for any future emergencies.

[13] Available from http://kp.one.un.org/content/dam/unct/dprk/docs/DPRK%20UN%20Strategic%20Framework%202017-2021%20-%20FINAL.pdf.

68. The United Nations system in the Democratic People's Republic of Korea continued to operate under significant constraints imposed by the Government, with little noticeable improvement to that dynamic. The lack of independent contact with the local population and of consultations with beneficiaries during the programming process remains a significant obstacle for the United Nations in developing and implementing a human rights-based approach to its humanitarian and development programmes in the Democratic People's Republic of Korea. A review by the Government of its policies in line with accepted recommendations on the delivery of humanitarian assistance stemming from the 2014 universal periodic review of the country would help ensure that United Nations assistance to the population is effective and meaningful. In particular, the lifting of restrictions on the freedom of movement of United Nations personnel working in the Democratic People's Republic of Korea and the granting of full access to beneficiaries to make it possible to collect relevant disaggregated data would help ensure that programming can reach the most vulnerable.

69. While travel within the Democratic People's Republic of Korea remains strictly regulated, there has been some progress with respect to monitoring. WFP developed a system for random monitoring agreed upon with the Government, whereby individual households and institutions to be monitored are selected 15 to 20 minutes before the visit, with the help of a specialized application on an electronic tablet. The collected data are downloaded at the end of the day and shared with the WFP regional office in Bangkok for further analysis.

70. The adoption of Security Council resolution 2270 (2016) and sanctions towards the Democratic People's Republic of Korea have had an unintended negative impact on the humanitarian operations of the United Nations and other actors, including notably on the transfer of funds through financial institutions into the Democratic People's Republic of Korea, leading to delays in the delivery of humanitarian assistance or the suspension of some programmatic activities. In addition, United Nations entities operating in the country have been facing delays in procurement owing to additional requirements for licensing and the need to ensure that equipment and/or supplies delivered were not on the sanctions list.

IV. Conclusion

71. **The Secretary-General welcomes efforts within the United Nations to follow up on the findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, which emphasized the need for profound structural reforms to promote and protect the rights of the population.**

72. **The Secretary-General welcomes steps taken by the Government to continue to cooperate with international human rights mechanisms, notably the visit of the Special Rapporteur on the rights of persons with disabilities. He also welcomes the inclusion of a human rights-based approach in the strategic framework between the Government and the United Nations for the period 2017-2021.**

73. **The Secretary-General remains deeply concerned, however, about continuing reports of grave violations taking place in the Democratic People's Republic of Korea. He stresses that the improvement of the human rights and humanitarian situation must remain high on the international agenda and be regularly discussed, including in the Human Rights Council, the General Assembly and the Security Council.**

V. Recommendations

74. **The Secretary-General recommends that the Government of the Democratic People's Republic of Korea:**

(a) **Comply with its obligations arising from international human rights law, including the five core human rights treaties ratified by the State;**

(b) **Accept and implement all the recommendations made by international human rights mechanisms, including treaty bodies;**

(c) **Take concrete steps to follow up on the findings of the visit of the Special Rapporteur on the rights of persons with disabilities;**

(d) **Invite the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and other independent human rights mechanisms to visit the country;**

(e) **Translate its commitments under the universal periodic review into concrete action to effectively improve the human rights situation throughout the country;**

(f) **Cooperate with the international community in relation to the implementation of Human Rights Council resolution 34/24 on the situation of human rights in the Democratic People's Republic of Korea;**

(g) **Engage constructively with the United Nations system, including the Office of the United Nations High Commissioner for Human Rights and its office in Seoul;**

(h) **Consider the findings and recommendations of the commission of inquiry and the group of independent experts and engage with the international community towards their implementation, including the adoption of measures to address the concerns expressed regarding systematic, widespread and grave human rights violations;**

(i) **Provide free and unimpeded access to United Nations and humanitarian agencies throughout the territory of the Democratic People's Republic of Korea, as well as to critical data, so as to enable them to adequately respond to the needs of the population;**

(j) **Fully implement the strategic framework for 2017-2021.**

75. **The Secretary-General recommends that the international community:**

(a) **Consider appropriate follow-up action to the report of the commission of inquiry, as called for in Human Rights Council resolutions 25/25, 28/22, 31/18 and 34/24 and General Assembly resolutions 69/188, 70/172 and 71/202;**

(b) **Consider appropriate follow-up action to the report of the group of independent experts, as called for in Human Rights Council resolution 34/24;**

(c) **Make further efforts to address the pervasive restrictions on public freedoms and serious human rights violations that have been reported by the commission of inquiry;**

(d) **Provide adequate and sustainable funding for humanitarian assistance, especially food and medicine, with a view to improving humanitarian conditions and the human rights situation;**

(e) **Take urgent steps to minimize the adverse humanitarian consequences of sanctions imposed on the Democratic People's Republic of Korea by extending full support to the United Nations agencies working in the country.**